IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6014 OF 2004

M/s.K.Porwal Construction & Anr. .. Petitioners.
Vs.
M/s.Kushal Developers & Ors. .. Respondents.

Mr.V.B.Naik for the petitioners.
Mr.K.Y.Mandlik for respondent no.1a.

CORAM : D.B.BHOSALE, J.

DATED : 26TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners and respondent no.1a.

2. The petitioners have challenged the order passed on the application at Exhibit-26 filed by the respondent-plaintiff under Order 1 Rule 10 of the Code of Civil Procedure by which they have been impleaded as party in Special Civil Suit No.650/2001. The suit was filed for specific performance and permanent injunction. Admittedly, the petitioners are in possession of the suit property. The petitioners came in possession of the suit property as purchaser in the auction sale which was conducted by the Special Recovery Officer on 18.10.2001. I perused the order. The court below after considering the facts and

circumstances of the case held that the petitioners are necessary party in the suit. This being a discretionary order passed by the court below and for the reasons recorded in paragraph 3 of the order I see no reason to interfere with the same in writ jurisdiction of this court under Article 227 of the Constitution of India. The writ petition is, accordingly, dismissed. All contentions on merits of the case are kept open.

(D.B.Bhosale, J.)